

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED,
NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME
COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Detroit District January 30, 2006

FILE NUMBER: 05-102-020-0

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** N **Date:**
(Y/N)

At the project Y **Date:** January 25,
site (Y/N) 2006

PROJECT LOCATION INFORMATION:

State: Indiana

County: Allen

Center coordinates of site by latitude & longitude coordinates: lat:41-9-27.0000 lon:85-10-45.9840

Approximate size of site/property (including uplands) in acres 130

Name of waterway or watershed: Huguenard Drain, and Hanauer Drain

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands			X						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			yes, on 2.77 acre site		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION: **Approved X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

Nine wetlands, totaling 3.88 acres, were found to be isolated. All of the isolated wetlands could be considered farmland potholes. The wetlands labeled Sections I, II, III, IV, VII, VIII, IX, and XVII appeared to be isolated and did not appear to be surface water tributaries to other waters or to be adjacent to other waters. Some of these wetlands likely formed in response to broken or clogged field tiles, when hydrology returned to the hydric Pewamo loam, which the soil survey suggests is the underlying soil on much of the site. Some of the isolated wetlands in the woodlots may not have ever been effectively drained, and that the surrounding trees were not cleared and converted to farmland may be evidence these wetlands could not be adequately drained. Wetland IX appears to be a more or less a natural depression that retains run-off from the surrounding farmland.

Section XII was not clearly an isolated system; however, it was situated above the OHWM of Hanauer Drain and appeared *not* to abut a very slight and relatively broad spoil levee as well. Although I am almost certain Section XII drains into the Drain during heavy precipitation events, I could not find conclusive physical evidence of such drainage. I concluded Section XII was an isolated wetland even though it lies in relatively close proximity to Hanauer Drain.